



Election

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Typed or Printed Name	Donna Macedo		
Signature	<i>Donna Macedo</i>	Date	10/3/02

RESPONSE TO PAPER NO. 14		
Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket Confirmation No.	10010186-1
	First Named Inventor	Mauze
	Application Number	09/848,869
	Filing Date	May 4, 2001
	Group Art Unit	1634
	Examiner Name	Bradley L. Sisson
	Title	Electro-Optical Devices and Methods for Hybridization and Detection

Dear Sir:

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This communication is responsive to the office communication dated September 3, 2002.

TECH CENTER 1600/2900

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-6 and 21; or
Group II, i.e., Claims 7-20;

for further prosecution in this application.

The Applicants hereby elect Group II with traverse.

The Applicants also respectfully urge the Examiner to rejoin at least the kit Claim of Group I (i.e., Claim 21) with the elected claims of Group II for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, the kit claim is one that is especially adapted for use in the claimed methods of elected Group II. As such, the search for the claims of Group II will find any prior art relating to the kit claim of Group I.

Accordingly, little, if any, additional searching should be required for the kit claim of Group I, and therefore the examination of the kit claim of Group I together with the claims of Group II should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Group II and the kit claim of Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the kit claim of Group I with the claims of elected Group II and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: October 3, 2002

By: 

Bret E. Field for Timothy Joyce
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